

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 16, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners was convened at 1:32 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 9, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Campbell moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated July 9, 2002. Campbell, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

New Business Item 6L was moved forward under Special Presentations at the request of Commissioner Workman.

Appointment of Pat Hardesty, Scott Miller and Tom Lorenz to the Visitors Promotion Advisory Committee, all terms commencing July 1, 2002 and ending June 30, 2006.

2) **SPECIAL PRESENTATIONS CONTINUED:**

MOTION: Campbell moved and Heier seconded approval of the appointment of Pat Hardesty, Scott Miller and Tom Lorenz to the Visitors Promotion Advisory Committee, all terms commencing July 1, 2002 and ending June 30, 2006.

Tom Lorenz stated he has been employed at Pershing Auditorium for six years and highlighted some of their future events.

ROLL CALL: Workman, Campbell, Stevens and Heier voted aye. Motion carried.

A resolution in the matter of endorsing transportation improvements for Lancaster County, Nebraska and the enactment by the Nebraska Unicameral of a new state-wide Comprehensive Transportation Program - Don Thomas, County Engineer (R-02-0076)

Don Thomas, County Engineer, explained that the Comprehensive Plan began last winter with a coalition of people involved in the transportation industry in Nebraska. He stated the resolution not only outlines concerns in Lancaster County, but also supports Nebraska On The Move. Thomas added that a panel of individuals will be formed in the near future who will hold statewide public hearings in the fall. Input from the public hearings will be used to develop a comprehensive plan for the State of Nebraska.

In response to a question asked by Stevens, Thomas listed the following as being the most vital to the future economic growth and development of Lancaster County:

- ▶ South 68th Street from Saltillo Road to the Village of Hickman
- ▶ West Denton Road from Southwest 12th Street to the Village of Denton
- ▶ North 14th Street from the City limits to Raymond Road
- ▶ One and Six Year Road and Bridge Program
- ▶ South and East Beltways

MOTION: Stevens moved and Heier seconded approval of Resolution 02-0076 in the matter of endorsing transportation improvements for Lancaster County, Nebraska and the enactment by the Nebraska Unicameral of a new statewide comprehensive transportation program. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS:** **Approval of all claims processed through Tuesday, July 16, 2002.**

MOTION: Campbell moved and Stevens seconded approval of all claims processed through July 16, 2002. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:** (Those individuals wishing to testify will be sworn in.)

A. County Special Permit 194, Stevens Creek Estates Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of four single family acreage lots, on property generally located at 190th Street and Havelock Avenue in Lancaster County, Nebraska.

B. County Preliminary Plat 02010, Stevens Creek Estates, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of four single family acreage lots, with requests to waive street trees, street lighting, landscape screens, sidewalks and block length, on property generally located at 190th Street and Havelock Avenue in Lancaster County, Nebraska.

Commissioner Workman opened the public hearing for County Special Permit 194 and County Preliminary Plat 02010.

Brian Carstens, appeared on behalf of Gerry and Dianne Krieser, and stated the project would be served with Cass County Rural Water and that each lot would have their own septic system.

In response to a question asked by Commissioner Campbell, Carstens stated the University of Nebraska would be notified. He stated that notification regarding dust, noise and odors would also be given to prospective buyers of the property.

Commissioner Workman asked if anyone wished to testify in opposition or in a neutral position.

5) **PUBLIC HEARINGS CONTINUED:**

Cliff Hunter, 909 South 35th Street, Lincoln, Nebraska, appeared and stated he works for the University on the research farm located south of the development. He explained that the University is conducting runoff studies in relation to the effect swine and feedlot manure application has on groundwater and agricultural land.

Mike DeKalb, Planning Department, appeared and clarified that the Planning Commission added a condition to the Special Permit stating that "future lot owners, their successors and assignees, shall be advised of the unique nature of the neighboring farm operation known as the Rogers Memorial Farm which is owned and operated by the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources". He added that the language could also be included in the subdivision agreement.

Commissioner Heier inquired about the type of application used.

Mr. Hunter responded that surface application is used followed by discing into the soil. He added that it is also surface applied and allowed to dry, followed by the use of a rainfall simulator to the point of runoff. Samples are then collected and analyzed.

Commissioner Workman asked Mr. Hunter if he would object to language being included in the resolution and/or subdivision agreement indicating that the University of Nebraska has, and will have, a swine waste research site south of the development and that there may be odors associated with the facility.

Mr. Hunter had no objections.

Commissioner Campbell clarified that the Rogers Memorial Farm conducts other types of research; it is not confined only to the hog operation. She suggested that the following language be included: " Future lot owners, their successors and assignees, shall also be advised of the unique nature of the neighboring research farm operation (which may include swine manure testing) known as the Rogers Memorial Farm, which is owned and operated by the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources."

Commissioner Workman closed the hearings.

5) **PUBLIC HEARINGS CONTINUED:**

MOTION: Heier moved and Stevens seconded to direct the County Attorney's Office to prepare a resolution approving County Special Permit 194, Stevens Creek Estates Community Unit Plan, and County Preliminary Plat 02010, Stevens Creek Estates, with the inclusion of the following language: Future lot owners, their successors and assignees, shall also be advised of the unique nature of the neighboring research farm operation (which may include swine manure testing) known as the Rogers Memorial Farm, which is owned and operated by the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

A. An application for a Special Designated License from K-Sara Enterprises to hold the Lincoln Chamber of Commerce Business After Hours event on Thursday, July 25, 2002 from 3:30 p.m. to 9:30 p.m. at the Farmland Building in State Fair Park.

MOTION: Campbell moved and Heier seconded approval of an application for a Special Designated License from K-Sara Enterprises to hold the Lincoln Chamber of Commerce Business After Hours event on July 25, 2002 from 3:30 p.m. to 9:30 p.m. at the Farmland Building in State Fair Park. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

B. An agreement with Patricia Blakely to work with the Department of Juvenile Mental Health and the Families First and Foremost Project in the operation of the Family Resource Center and to serve as a representative for the Care Management Team. The contractor will work up to 40 hours per week and be paid \$22.15 per hour. The term of the agreement is July 1, 2002 to June 30, 2003. (C-02-0309)

MOTION: Heier moved and Campbell seconded approval of an agreement with Patricia Blakely to work with the Department of Juvenile Mental Health and the Families First and Foremost Project in the operation of the Family Resource Center and to serve as a representative for the Care Management Team. The contractor will work up to 40 hours per week and be paid \$22.15 per hour. The term of the agreement is July 1, 2002 to June 30, 2003.

6) **NEW BUSINESS CONTINUED:**

Heier noted that Families First and Foremost pays the hourly rate.

ROLL CALL: Campbell, Stevens, Workman and Heier voted aye. Motion carried.

C. An agreement with Kathy Dunning to work with the Department of Juvenile Mental Health and the Families First and Foremost Project in the operation of the Family Resource Center to serve as a representative for the Care Management Team. The contractor shall work up to 20 hours per week and be paid \$18 per hour. The term of the Agreement is July 1, 2002 to June 30, 2003. (C-02-0310)

MOTION: Heier moved and Stevens seconded approval of an agreement with Kathy Dunning to work with the Department of Juvenile Mental Health and the Families First and Foremost Project in the operation of the Family Resource Center to serve as a representative for the Care Management Team. The contractor shall work up to 20 hours per week and be paid \$18 per hour. The term of the Agreement is July 1, 2002 to June 30, 2003.

It was noted that the hourly fee is paid by Families First and Foremost.

ROLL CALL: Heier, Workman, Stevens and Campbell voted aye. Motion carried.

D. An agreement with Melissa Davis Schmit as a Quality Assurance/Utilization Coordinator to develop a plan that will monitor the quality and productivity of wraparound services provided in Lancaster County through the Families First and Foremost Project. The contractor will work up to 32 hours per week and the County will pay \$35 per hour. The term of the agreement is July 8, 2002 to February 8, 2003. (C-02-0314)

MOTION: Campbell moved and Stevens seconded approval of an agreement with Melissa Davis Schmit as a Quality Assurance/Utilization Coordinator to develop a plan that will monitor the quality and productivity of wraparound services provided in Lancaster County through the Families First and Foremost Project. The contractor will work up to 32 hours per week and the County will pay \$35 per hour. The term of the agreement is July 8, 2002 to February 8, 2003. Stevens, Heier, Workman and Campbell voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

E. A contract with NCS, Inc. for collection services on past due accounts for the Community Mental Health Center, beginning August 1, 2002 and ending July 31, 2003. The contractor will be paid 19 percent on accounts that do not require litigation and 24 percent on accounts that require litigation. Accounts will be turned over to the contractor after the Community Mental Health Center efforts to collect have been unsuccessful. (C-02-0316)

MOTION: Campbell moved and Stevens seconded approval of a contract with NCS, Inc. for collection services on past due accounts for the Community Mental Health Center, beginning August 1, 2002 and ending July 31, 2003. The contractor will be paid 19 percent on accounts that do not require litigation and 24 percent on accounts that require litigation. Accounts will be turned over to the contractor after the Community Mental Health Center efforts to collect have been unsuccessful.

Heier asked who pays the attorney's fees if the company has to go to court.

Kathy Smith, Assistant Purchasing Agent, appeared and explained that the commission is higher on accounts which require litigation because the contractor pays all expenses.

ROLL CALL: Workman, Campbell, Stevens and Heier voted aye. Motion carried.

F. An amendment to an agreement with the Lincoln Council on Alcoholism and Drugs, Inc. to allow for automatic renewal for successive one year terms and to cap the treatment costs for each year at \$15,000. The original contract was for substance use evaluation services for the Lancaster County Drug Court under contract C-01-390. (C-02-0308)

MOTION: Heier moved and Campbell seconded approval of an amendment to an agreement with the Lincoln Council on Alcoholism and Drugs, Inc. to allow for automatic renewal for successive one year terms and to cap the treatment costs for each year at \$15,000. The original contract was for substance use evaluation services for the Lancaster County Drug Court under contract C-01-390. Workman, Heier, Campbell and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

G. An amendment to a contract with the Department of Veterans Affairs for the provision of nursing home services for veterans at Lancaster Manor. The amendment extends the agreement through June 30, 2003 and deletes the last three sentences of the original contract on page three and adds the following language: "Drug costs in excess of 8.5 percent of the per diem rate are not considered routine ancillary services. Therefore, each per diem rate has a corresponding dollar amount (8.5 percent of the per diem rate) for drugs which are covered by the per diem rate. Drug costs in excess of that amount are not covered by the established per diem rate(s) and are to be provided by the nursing home and billed to the Department of Veterans Affairs at the Average Wholesale Price (AWP)." (C-02-0315)

MOTION: Campbell moved and Heier seconded approval of an amendment to a contract with the Department of Veterans Affairs for the provision of nursing home services for veterans at Lancaster Manor. The amendment extends the agreement through June 30, 2003 and deletes the last three sentences of the original contract on page three and adds the following language: "Drug costs in excess of 8.5 percent of the per diem rate are not considered routine ancillary services. Therefore, each per diem rate has a corresponding dollar amount (8.5 percent of the per diem rate) for drugs which are covered by the per diem rate. Drug costs in excess of that amount are not covered by the established per diem rate(s) and are to be provided by the nursing home and billed to the Department of Veterans Affairs at the Average Wholesale Price (AWP)." Campbell, Heier, Stevens and Workman voted aye. Motion carried.

H. A resolution approving a lease agreement from Lancaster County and the City of Lincoln to the Lincoln-Lancaster County Public Building Commission, a lease agreement from the Public Building Commission to the County and the City and the issuance of the Public Building Commission's Tax Supported Lease Rental Revenue and Refunding Bonds, not to exceed \$11,000,000, with respect to the City-County Health Department Building and parking facilities on Block 101, City of Lincoln, Lancaster County, Nebraska. (R-02-0075)

Lauren Wismer, attorney with Gilmore & Bell and acting as bond counsel for the Public Building Commission, appeared and gave a brief explanation of the resolution. He added that a part of the resolution is for the refinancing of the outstanding debt on the Health Department building.

6) **NEW BUSINESS CONTINUED:**

MOTION: Campbell moved and Stevens seconded approval of a resolution approving a lease agreement from Lancaster County and the City of Lincoln to the Lincoln-Lancaster County Public Building Commission, a lease agreement from the Public Building Commission to the County and the City and the issuance of the Public Building Commission's Tax Supported Lease Rental Revenue and Refunding Bonds, not to exceed \$11,000,000, with respect to the City-County Health Department Building and parking facilities on Block 101, City of Lincoln, Lancaster County, Nebraska. Campbell, Stevens, Heier and Workman voted aye. Motion carried.

I. Approval of revised General Assistance application.

MOTION: Campbell moved and Stevens seconded approval of the revised General Assistance application. Campbell, Heier, Workman and Stevens voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and Lancaster Manor to award a Request for Proposal (RFP) and enter into contract negotiations with Pharmerica for pharmacy and related services. Details of the arrangement will be brought back to the Board in the form of a final contract. (B-02-0030)

MOTION: Campbell moved and Heier seconded approval to award a Request for Proposal (RFP) and enter into contract negotiations with Pharmerica for pharmacy and related services. Details of the arrangement will be brought back to the Board in the form of a final contract. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

K. Setting of salary for Scott Gaines, Chief Administrative Deputy in the County Assessor's Office, at \$50,000, effective July 8, 2002.

MOTION: Heier moved and Campbell seconded approval to set the salary for Scott Gaines, Chief Administrative Deputy in the County Assessor's Office, at \$50,000, effective July 8, 2002. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- L. **Appointment of Pat Hardesty, Scott Miller and Tom Lorenz to the Visitors Promotion Advisory Committee, all terms commencing July 1, 2002 and ending June 30, 2006.**

This item was moved forward under Special Presentations.

- 7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and Place on File:**

1. **Lancaster Manor's Monthly Report.**
2. **Noxious Weed Control Authority's Monthly Report for June, 2002.**
3. **Noxious Weed Control Authority's Monthly Report for June, 2002 for the Combined Weed Program with the City of Lincoln.**
2. **Records & Information Management's Monthly Report for June, 2002.**
3. **Register of Deeds Monthly Report for June, 2002.**

- B. **Setting of a public hearing for Tuesday, July 30, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Street Name Change Number 02003 to rename "Dutch Drive" as "Stella Maria Avenue", generally located off of Southwest 14th Street between Bennet Road and Wittstruck Road in Lancaster County, Nebraska.**

- C. **Setting of a public hearings for Tuesday, July 30, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

1. **Adoption of the 2000 edition of the International Residential Code. (A copy is available for review in the County Clerk's Office.)**
2. **Adoption of the 2000 edition of the International Building Code. (A copy is available for review in the County Clerk's Office.)**
3. **Adoption of the 2002 edition of the National Electrical Code. (A copy is available for review in the County Clerk's Office.)**

7) CONSENT ITEMS CONTINUED:

4. Adoption of fees for mechanical, gas piping, electrical, plumbing, building, plan review, insulation and zoning review in the County. (A copy is available for review in the County Clerk's Office.)

D. A right-of-way contract relating to culvert construction between the Lancaster County Engineering Department and Joseph and Vicki Rohach, in the amount of \$261.55, between Pella Road and Hallam Road on Southwest 86th Street; Project C.P.-V-281. (C-02-0311)

E. Two right-of-entry agreements relating to road construction between the Lancaster County Engineering Department and Leland and Catherine Sullivan on West Denton Road going west from the Village of Denton; Project C55-N-404(1). (C-02-0312 and C-02-0313)

MOTION: Campbell moved and Heier seconded approval of the Consent Items. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

8) ADJOURNMENT:

MOTION: Heier moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:26 p.m. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 16, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Scott Gaines, Chief Administrative Deputy in the County
Assessor's Office
David Johnson, County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:27 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 9, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Campbell seconded approval of the minutes of the Board of Equalization meeting dated July 9, 2002. Campbell, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Campbell moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**American Red Cross, Lancaster County Chapter
Christian Heritage Children's Home
Lincoln Christian School
Lincoln Lancaster County Child Guidance Center (2 exemptions)**

MOTION: Heier moved and Campbell seconded approval of the motor vehicle tax exemptions. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Campbell moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:30 p.m. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk